

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

JOSEPH C. GARCIA,

Petitioner,

v.

LORIE DAVIS, Director, Texas Department of  
Criminal Justice Correctional Institutions  
Division,

Respondent.

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Civil Action No. 3:06-cv-02185-M

(Capital Case)

**JUDGMENT**

For the reasons set out in a memorandum opinion and order filed today, it is **ORDERED**, **ADJUDGED AND DECREED** that the successive habeas petition filed in this case, the pleading entitled "Petitioner's Motion for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 60(b)" (doc. 142), is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit along with the "Motion for Stay of Execution Pending Consideration and Disposition of Rule 60(b) Motion" (doc. 144). Petitioner has previously been allowed to proceed *in forma pauperis* (Mem. Op. and Order, doc. 103, at 24), and this status is continued for purposes of appeal. The Court **DENIES** a certificate of appealability.

**SO ORDERED.**

December 3, 2018.

  
BARBARA M. G. LYNN  
CHIEF JUDGE